



2. I have personal knowledge of the following and if called to testify as a witness, I could and would so testify.

3. Attached hereto as **Exhibit 1** is a true and correct copy of an email from Ed Napleton to Mark McNabb.

4. Attached hereto as **Exhibit 2** is a true and correct copy of Hagen Berman's Press Release, "VW Dealers Sue Volkswagen for Dieselgate Fallout, Illegal Pricing Scheme."

5. Attached hereto as **Exhibit 3** is a true and correct copy of a letter sent by Steve W. Berman to Volkswagen Dealers on May 6, 2016.

6. Attached hereto as **Exhibits 4–11** are true and correct copies of documents produced by BMW of North America ("BMW"). These documents were designated confidential by BMW, and therefore are being filed under seal pursuant to the Stipulated Protective Order entered in this case at Docket Number 51.

- a. Exhibit 4 is an email chain dated September 29, 2016, and Bates labeled BMWNA 00002–3.
- b. **Exhibit 5** is an email, dated October 19, 2016, and Bates labeled BMWNA 00103.
- c. **Exhibit 6** is an email chain and Bates labeled BMWNA 00355–358.
- d. **Exhibit 7** is an email and letter dated January 3, 2017, and Bates labeled BMWNA 01257–1259.
- e. **Exhibit 8** is an email and letter dated January 13, 2017, and Bates labeled BMWNA 01260–1277.

- f. **Exhibit 9** is a letter dated January 24, 2017, and Bates labeled BMWNA 00425–426.
- g. **Exhibit 10** is an email chain dated January 25, 2017, and Bates labeled BMWNA 00427–428.
- h. **Exhibit 11** is a letter dated December 20, 2016, and Bates labeled BMWNA 00417–418.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 24, 2017



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Brandon C. Prosanksy